

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

DAYS INN WORLDWIDE, INC.,)
formerly known as Days Inn of America,)
Inc., a Delaware Corporation,)

Plaintiff,)

vs.)

Civil Action No.: 4:08-cv-1771-TLW-TER

JBS, INC., II, a South Carolina Corporation,)
JONATHAN B. SMITH, an individual,)
and MARCI SINGLETON SMITH, an)
individual,)

Defendants.)

ORDER

The case was transferred to this Court from the Southern District of New York on May 1, 2008. (Doc. #1). On August 5, 2009, the plaintiff filed a motion to strike the defendants' answer and for entry of default as to defendant JBS, Inc., II. (Doc. #45). On October 26, 2009, the plaintiff filed a subsequent motion to strike the defendants' answer and for entry of default as to defendants JBS, Inc., II, Jonathan B. Smith, and Marci Singleton Smith. (Doc. #49).

This matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Thomas E. Rogers, III. (Doc. #53). On January 20, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the plaintiff's motions to strike, (Doc. #45, #49), be granted in part and denied in part. More specifically, Judge Rogers recommends that the defendants' answer be stricken only as to defendant JBS, Inc., II, and that default be entered only as to defendant JBS, Inc., II. (Doc. #53). No party filed objections to the Report. Objections were due on February 8, 2010.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #53). For the reasons articulated by the Magistrate Judge, the plaintiff's motions to strike are granted in part and denied in part. (Doc. #45, #49). The defendants' answer is hereby stricken as to defendant JBS, Inc., II, and default is hereby entered as to defendant JBS, Inc., II.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 19, 2010
Florence, South Carolina